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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE ENERGY RECOVERY, INC.
SECURITIES LITIGATION

No. 3:15-cv-00265-EMC

Hon. Edward M. Chen

**[PROPOSED] ORDER GRANTING
STIPULATION REGARDING
AGREEMENT RESOLVING
LEAD PLAINTIFF'S
EX PARTE APPLICATION**

Upon review of the parties Stipulation Regarding Agreement Resolving Lead Plaintiff's Ex Parte Application, and good cause appearing therefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. In the event that the California Petition is granted, and without any admission that any of the documents that will be collected from David Barnes are relevant to the allegations in the Complaint, Energy Recovery shall treat all documents, data compilations (including electronically recorded or stored data), and tangible objects collected from David Barnes as if they were the subject of a continuing request for production of documents from an opposing party under the Federal Rules of Civil Procedure.

2. To the extent Energy Recovery identifies any materials and/or documents in David Barnes' possession that it believes are subject to the terms of the Confidential

1 Information and Invention Assignment Agreement between Energy Recovery and David
2 Barnes, or another confidentiality obligation owed by David Barnes to Energy Recovery,
3 Energy Recovery shall create and maintain a detailed log of the materials and/or documents
4 received sufficient to identify, describe, recall, and produce the materials and/or documents at a
5 later date in this litigation, without waiver of any objections as to their discoverability or
6 admissibility.

7 3. Lead Plaintiff's *Ex Parte* Application [ECF No. 80] is denied without prejudice.

8 **IT IS SO ORDERED.**

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10 Dated: 2/5/2016

